

12-31-01

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PATENT

ATTORNEY DOCKET NO. WAPH.002.04US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Indu Parikh, *et al.*

) Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned

) Art Unit: Not Yet Assigned

Filed: December 20, 2001

) **UTILITY PATENT APPLICATION**

For: **TREATMENT FOR DIABETES**

) **TRANSMITTAL**

)

)

BOX PATENT APPLICATION

Assistant Commissioner of Patents

PO Box 2327

Arlington, VA 22202

Sir:

This is a request for filing a patent application under 37 CFR § 1.53(b) in the name of inventors:
Indu Parikh, Anne Lane, Ronald V. Nardi, and Stephen J. Brand.

For: **TREATMENT FOR DIABETES**

Attorney Docket No.: WAPH.002.04US

This application is a [X] Continuation [] Divisional [] Continuation-in-part of
Application Serial No. 09/241,100, filed January 29, 1999.

"Express Mail" Label No.: EL196062666 US
Date of Deposit: Dec 20, 2001

I hereby certify under 37 C.F.R. 1.10 that this correspondence is
being deposited with the United States Postal Service as
"Express Mail Post Office to Addressee" with sufficient postage
on the date indicated above and is addressed to BOX PATENT
APPLICATION, Assistant Commissioner for Patents, PO Box 2327
Arlington, VA 22202

Robert Patterson
(Signature)
Robert Patterson
(Printed Name)

Application Elements:

34 Pages of Specification, Claims and Abstract

8 Sheets of Formal Drawings

[X] Declaration

[] Newly executed (original or copy)

[X] Copy from prior application (37 CFR 1.63(d) for a continuation or divisional).

The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

[] Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, *see* CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

- [] Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)
- [] Power of Attorney.
- [] 37 CFR 3.73(b) Statement by Assignee
- [] Information Disclosure Statement with Form 1449
- [] Copies of IDS Citations
- [X] Preliminary Amendment
- [X] Return Receipt Postcard
- [X] Small Entity Statement(s) [X] Statement filed in prior application.
Status still proper and desired.
- [X] Other:
 - [X] Associate Power of Attorney.
 - [X] Petition to Accept Color Copies of Photographs under 37 CFR § 1.84(a)(2), (b)(2)

Claim For Foreign Priority

- [] Priority of _____ Application No. _____ filed on _____
is claimed under 35 U.S.C. § 119
- [] The certified copy has been filed in prior application U.S. Application No. _____
- [] the certified copy will follow.

Extension of Time for Prior Pending Application

- [X] A Petition for Extension of Time and a Notice of Appeal has been filed in the prior pending application. Copies of the Petition for Extension of Time and the Notice of Appeal are attached hereto.

Amendments

- [X] See Preliminary Amendment
[] Amend the specification by inserting before the first line the sentence: "This is a
[X] Continuation [] Continuation-in-part [] Nonprovisional application of
copending prior
[] Application Serial No. _____ filed on _____.
[] International Application _____ filed on _____, which
designated the United States, disclosure of which is incorporated herein by reference."
[X] Cancel in this application original Claims 1-18 of the prior application
before calculating the filing fee

Fee Calculation (37 CFR § 1.16):

<u>FOR:</u>	<u>NO. FILED</u>	<u>NO. EXTRA</u>	OTHER THAN A <u>SMALL</u> <u>ENTITY</u>			
			<u>RATE</u>	<u>FEES</u>	<u>RATE</u>	<u>FEES</u>
Basic Fee			\$370	\$0	\$740	\$370.00
Total Claims	14	0	\$ 9	\$0	\$ 18	\$0.00
Indep. Claims	7	4	\$ 42	\$0	\$ 168	\$168.00
[] Multiple Dep. Claims			\$140	\$0	\$280	
Total Filing Fee:						\$538.00
Other fees (Petition to Accept Color Copies of Photographs)						\$130.00
						TOTAL FEES: \$668.00

- [X] A check including the amount of the above-indicated TOTAL FEES is attached.
[] Please charge Deposit Account No.18-0020 in the amount of \$ _____.
[] No fee is required.

- Conditional Petition for Extension of Time: An extension of time is requested in the present and/or the above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.
- The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims.
- Any parent application processing fees under 37 CFR 1.17.
- A **duplicate** copy of this sheet is attached for accounting purposes.

Respectfully submitted,

By: 
Jeffrey M. Libby, Ph.D.
Reg. No. 48,251

Dated: November 8, 2001
Rae-Venter Law Group, P.C.
P.O. Box 60039
Palo Alto, California 94306
Telephone: (650) 328-4400
Facsimile: (650) 328-4477

BRV:JML/jml

Encls.

WAPH.002.04US.AppTrans 110801.doc

PATENT

ATTORNEY DOCKET NO. WAPH.002.04US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Indu Parikh, *et al.*)
Serial No.: Not Yet Assigned) Examiner: Not Yet Assigned
Filed: December 20, 2001) Art Unit: Not Yet Assigned
For: TREATMENT FOR DIABETES)) ASSOCIATE POWER OF
)) ATTORNEY

Assistant Commissioner of Patents
PO Box 2327
Arlington, VA 22202

Sir:

The undersigned attorney of record hereby appoints

Koren J. Anderson, Reg. No. P-51,061
Jeff Libby, Reg No. 48,251
Rae-Venter Law Group, P.C.
260 Sheridan Ave, Suite 440
Palo Alto, CA 94306
Telephone: (650) 328-4400

as associate agents to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith.

CERTIFICATE OF EXPRESS MAILING

Date of Deposit: Dec 20, 2001

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, PO Box 2327 Arlington, VA 22202

Robert Pattison
(Signature)
Robert Pattison
(Printed Name)

Respectfully submitted,

Date: December 29, 2001

Barbara Rae-Venter

Barbara Rae-Venter, Ph.D.
Reg. No. 32,750

Rae-Venter Law Group, P.C.
P. O. Box 60039
Palo Alto, CA 94306
Telephone: (650) 328-4400
Facsimile: (650) 328-4477

BRV/dhw
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of: Indu Parikh, *et al.*

) Examiner: Not Yet Assigned

)

Serial No.: Not Yet Assigned

) Art Unit: Not Yet Assigned

)

Filed: December 20, 2001

) **PETITION TO ACCEPT COLOR**) **COPIES OF PHOTOGRAPHS UNDER**For: **TREATMENT FOR DIABETES**) **37 C.F.R. § 1.84(a)(2) AND (b)(2)**

)

BOX Patent Application

Assistant Commissioner for Patents
PO Box 2327
Arlington, VA 22202

Sir:

Pursuant to 37 C.F.R. § 1.84(a)(2) and (b)(2), Applicants hereby petition the Commissioner to accept the color copy of a color photograph submitted herewith as formal drawings for Figures 7A-7E. It is necessary to use color photographs to show immunoperoxidase staining in the micrographs shown in the figures. Applicants submit that the copies of the photographs otherwise adhere to the drawing requirements under 37 C.F.R. § 1.84(b).

Upon granting of this petition please insert the following language as the first paragraph of the brief description of the drawings (page 4, line 30). "The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the Office upon request and payment of the necessary fee."

Attached hereto are 3 color copies of Figure 7 and a black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color copy of figure 7. For the required fee, *see* Transmittal.

CERTIFICATE OF EXPRESS MAILING"Express Mail" Label No: EL 796062666 USDate of Deposit Dec 20, 2001

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, PO Box 2327 Arlington, VA 22202

Indu Parikh
(Signature)

Parikh, *et al.*
Serial No.: Not Yet Assigned

Respectfully submitted

Date: December 20, 2001

Barbara Venter
Barbara Rae-Venter, Ph.D.
Reg. No. 32,750

Rae-Venter Law Group, P.C.
P. O. Box 60039
Palo Alto, CA 94306
Telephone: (650) 328-4400
Facsimile: (650) 328-4477

BRV/JML/jml